REMARKS

Claims 1, 4-12, and 15-20 are currently pending in the application.

The Specification has been amended. The paragraph beginning at page 11, line 22, and ending at page 12, line 5, has been amended to correct informalities by changing "In" to –On– and by changing "to" to –of– in the first sentence. In addition, the second reference to the "user terminal 40" has been changed to "service system 50" to correct an error, which is obvious in that the user terminal would not be connected to itself. This can also be seen in Figure 2. In addition, the paragraph beginning at page 15, line 10, and ending at page 15, line 13, has been amended to correct informalities by changing "transmit" to "transmits" and by changing "to the to the" to "to the."

Figure 2 has been amended by adding a line to connect element 40 and element 100. The absence of this line in Figure 2 as originally filed was an error in drafting, which can be seen by comparing Figure 2 with Figure 1, as the Examiner noted in an interview conducted July 21, 2005. This amendment is also supported by the Specification, page 11, line 25, through page 12, line 1.

Claim 1 has been amended by adding the limitations of Claims 2 and 3. This amendment amounts to a restating of Claim 3 in independent form. Claims 2 and 3 have therefore been canceled. Similar amendments have been made to Claim 12 by adding the limitations of Claims 13 and 14 and cancelling Claims 13 and 14. The purpose and effect of these amendments is to narrow the issues for reconsideration and to place the application in better form, in the event appeal is necessary, without raising new issues requiring further consideration.

No new matter has been added.

The Claimed Invention

The claimed invention provides a bi-directional broadcasting and delivery system, and a method for using such a system, which includes an advertiser system, an advertising agent system, a broadcasting station system of a broadcasting station, a

user terminal of a user, and a service system which may be connected to a network. (Figure 2) An advertiser system 10 transmits policy data to an advertising agent system 20. The advertising agent system 20 transmits policy data and an ID of the policy data through a network 100 to the service system 50 which is composed of a server and a database. The advertising agent system 20 requests the broadcasting station system 30 to broadcast and deliver the produced advertisement program for the sales promotion. The broadcasting station system 30 broadcasts and delivers a program produced by the broadcasting station and containing the advertisement program for the sales promotion through the satellite 60 in response to the request from the advertising agent system 20 together with program data. The user makes a selection which is recorded in the user terminal 40, and in the service system 50 through the network 100. The user terminal 40 receives the advertising from the network 100.

Claims 1-20

Claims 1-20 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,637,028 Voyticky et al. in view of "Admitted Prior Art." (Office Action at 2) The Examiner's rejection of Claims 1-20 repeated verbatim the Examiner's discussion of 35 U.S.C. § 103(a) in the previous office action, and Applicant's response to that portion of the previous office action is incorporated by reference as if fully restated herein. This paper will not, therefore, repeat the discussion provided in response to the previous office action as to why the Examiner's reading of Voyticky et al. is incorrect.

Because Claims 2-11 depend from independent Claim 1, and Claims 13-20 depend from independent Claim 12, the following discussion focuses on the independent claims with the understanding that the arguments presented apply generally.

In response to an interview with the Examiner on July 21, 2005, Applicant has amended the application by incorporating the limitations of Claims 2 and 3 into Claim 1 and by incorporating the limitations of Claims 13 and 14 into Claim 12. Since the Examiner does not contend that the limitations of Claims 2-3, or of

Claims 13-14, is anticipated by Voyticky et al., the application should now be in condition for allowance.

On another point, the Examiner has misread the Specification at 13, lines 5-6, as describing prior art. (*See* Office Action at 4-5) That portion of the Specification describes the claimed invention as shown in Figure 2 and not the prior art as shown in Figure 1.

In addition, the Examiner's statement that Voyticky et al. could be combined with unspecified prior art "to leverage the skills and resources of an advertising agent when marketing a product" does not explain why such a hypothetical combination would be obvious, even if one assumes *arguendo* that there was prior art of the type the Examiner has incorrectly assumed to exist.

Finally, the Examiner's reliance on unspecified prior art in rejecting Claims 1-20 amounts to impermissible hindsight and an improper assertion of technical fact in an area of esoteric technology without support by citation of any reference work. *See* M.P.E.P. § 2144.03, citing *In re Ahlert*, 424 F.2d 1088, 1091, 165 U.S.P.Q. 418, 422-21 (C.C.P.A. 1970).

Conclusion

In view of the foregoing, Applicant submits that Claims 1, 4-12, and 15-20 are patentably distinct from the prior art of record and are in condition for allowance. In the alternative, Applicant requests entry of the amendments for purposes of appeal. The Examiner is respectfully requested to pass the above application to issue. The Examiner is invited to contact the undersigned at the telephone number listed below, if needed.

Applicant hereby makes a written conditional petition for extension of time, if required. Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041 (Whitham, Curtis & Christofferson).

Respectfully submitted,

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